



**KUSHNIRSKY GERBER PLLC**  
27 UNION SQUARE WEST, SUITE 301  
NEW YORK, NY 10003  
kgfirm.com

O: (212) 882-1320  
F: (917) 398-1487

Andrew Gerber, Member  
andrew@kgfirm.com

January 28, 2021

**By ECF and Email**

Hon. John P. Cronan  
CronanNYSdChambers@nysd.uscourts.gov

***Re: Eden Brands, Inc. v. Hatch Collection LLC, 1:20-cv-09827-JPC – Hatch Request for Extension and Eden Request for Adjournment***

Your Honor,

We are counsel for plaintiff Eden Brands, Inc. (“Eden” or “Plaintiff”) in the above-captioned Action. We write pursuant to Section 3(B) of Your Honor’s Individual Rules to request (a) as a courtesy to Hatch, a one-week extension to the February 1, 2021 deadline for Defendant Hatch Collection LLC (“Hatch” or “Defendant”) to respond to the Complaint; and (b) a two-week adjournment of the Initial Conference currently scheduled for February 8, 2021.

Hatch’s response to the Complaint is currently due on or before February 1, 2021. The parties have been engaging in settlement discussions since the Complaint was filed. On January 26, 2021, Hatch’s California counsel emailed Eden counsel and requested an extension of time to Hatch’s response deadline “while we continue to discuss resolution.” As a courtesy, Eden consented to a one-week extension, which would make Hatch’s response to the Complaint due on or before February 8, 2021. As Hatch has yet to retain New York counsel and has yet to make any appearance in this Action, Eden also agreed to submit this extension request on Hatch’s behalf, again as a courtesy. This is Hatch’s first request for an extension.


Given our consent to this extension and the parties’ continued settlement discussions, we also requested that Hatch consent to adjourning the Initial Conference given Hatch’s own indication that the parties might resolve the case before then, which was the basis for Hatch’s own extension request. Hatch has inexplicably refused to consent to this adjournment without valid reason, despite the fact that Eden has already granted Hatch’s own extension request based on the parties’ continued settlement discussions. In addition, no counsel for Hatch, New York-based or otherwise, has made an appearance in the case so we have been unable to hold a 26(f) conference with counsel. Given this, and the parties’ continued settlement discussions, which was the basis for Hatch’s own extension request that Eden has included here as a courtesy to Hatch, Eden respectfully requests at least a two-week extension to the Initial Conference currently scheduled for February 8, 2021. This will allow Hatch to retain New York counsel, have them make an appearance, and allow the parties to hold a 26(f) conference to discuss the

Joint Letter and Case Management Schedule. The newly scheduled Initial Conference would fall on February 22, 2021 or thereafter. Eden has made no prior adjournment requests.

Defendant's request is GRANTED. Defendant shall respond to the Complaint by February 8, 2021. Further, Plaintiff's request is GRANTED as to adjournment of the Initial Pretrial Conference. The Initial Pretrial Conference scheduled for February 8, 2021, at 11:00 a.m. is hereby adjourned to February 25, 2021, at 11:00 a.m. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261.

New York, New York

Date: January 28, 2021

  
By: \_\_\_\_\_  
JOHN P. CRONAN  
United States District Judge

Sincerely,



Andrew Gerber  
*Counsel for Eden Brands, Inc.*

cc: counsel of record (via ECF)